

22883

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/854,187
Filing Date	May 10, 2001
First Named Inventor	Kleiman
Group Art Unit	NYA
Examiner Name	NYA
Attorney Docket Number	103.1068.01

Total Number of Pages in This Submission

10

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ENCLOSURES (check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Statement Under 37 CFR 3.73(b) with Copies of Assignments attached Return Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Steven A. Swernofsky	Reg. no. 33,040
Signature	<i>SA Swernofsky</i>	
Date	06-17-2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: 6-17-02

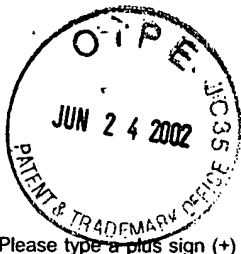
Type or printed name Arlette Malhas, Paralegal

Signature *Arlette Malhas*

Date

6-17-02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/81 (11-96)

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**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT,
NOT ACCOMPANYING
APPLICATION**

Application Number	09/854,187
Filing Date	May 10, 2001
First Named Inventor	Steven R. Kleiman
Group Art Unit	Not Assigned
Examiner Name	Not Assigned
Attorney Docket Number	103.1068.01

I hereby appoint:

☒ Practitioners at Customer Number

22883

AND/OR

☒ Practitioner(s) named below:



Name	Registration Number
Gary E. Ross	29,431

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Technology Center 2100

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant.

☒ Assignee of record of the entire interest
Certificate under 37 CFR 3.73(b) is enclosed

SIGNATURE of Applicant or Assignee of Record

Name

Gary E. Ross, Chief Patent Counsel

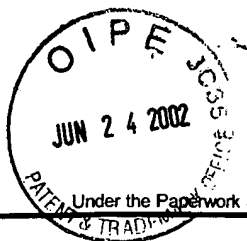
Andrew Kryder

Signature

Date

6/4/02

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22883

PATENT TRADEMARK OFFICE

PTO/SB/96 (6-98)
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Steven R. KleimanApplication No./Patent No.: 09/854,187 Filed/Issue Date: May 10, 2001Entitled: File System Image TransferNetwork Appliance, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

**COPY OF PAPERS
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states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE]: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

5/31/02
Date

Gary Ross
Signature
Gary Ross
Typed or printed name
Chief Patent Counsel
Title

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COPY



22883

Attorney's Packet No. 103.1068.01

ASSIGNMENT OF PATENT APPLICATION

FOR GOOD AND VALUABLE CONSIDERATION,

I/We, the undersigned (each) have agreed and hereby agree to assign for good and valuable consideration, receipt of which is hereby expressly acknowledged, and do hereby sell, assign and transfer and set over unto

Network Appliance, Inc.,

having a place of business as of the date of this assignment at
495 East Java Drive, Sunnyvale, CA 94089, USA,

and its successors, assigns and legal representatives, the full and exclusive right, title and interest, for all countries in and to certain inventions relating to

"File System Image Transfer"

described in an application for Letters Patent of the United States,
filed on **5/10/2001**, as Application Serial No. **09/854,187**,

and the invention(s) and improvement(s) set forth therein, and any and all continuations, continuations-in-part, divisionals, and renewals of and substitutes for said application for said Letters Patent, and all the rights and privileges under any and all Letters Patent that may be granted therefor in any country, and any reissues, or reexaminations, or extensions of said Letters Patent. We request that any and all Letters Patent for said inventions be issued to said Assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

I/We agree that, when requested, we will, without charge to said Assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said Assignee, its successors, assigns and legal representatives or nominees.

I/We authorize and empower the said Assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

I/We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said Assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International convention which may henceforth be substituted for it.

I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at SUNNY VALE, CA
(city) (state)

on this 20th day of JULY, 2001.
(day) (month) (year)

Steven R. Kleiman

David Hitz

Guy Harris

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

COPY

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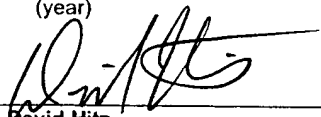
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I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at Los Altos, CA
(city) (state)

on this 21 day of June, 2001.
(day) (month) (year)

Steven R. Kleiman



David Hitz

Guy Harris

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

COPY

ASSIGNMENT OF PATENT APPLICATION

22883

Attorney Docket No. 103.1068.01

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I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at Mountain View, California
(city) (state)

on this 13th day of August, 2001.
(day) (month) (year)

Steven R. Kleiman



Guy Harris

David Hitz

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

COPY

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ASSIGNMENT OF PATENT APPLICATION

Attorney Docket No. 103.1068.01

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I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at Boston (city), MA (state)
on this 16 (day) day of July (month), 2001 (year).

Steven R. Kleiman

Guy Harris

Michael Malcolm

Byron Rakitzis

David Hitz

Sean W. O'Malley

James Lau

COPY

U.S. PATENT AND TRADEMARK OFFICE

Attorney Docket No. 103.1068.01

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I/We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

I/We hereunto sign our names below at

Los Angeles
(city)

CA
(state)

on this 3 day of

July
(month)

2001
(year)

Steven R. Kleiman

David Hitz

Guy Harris

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

COPY
FOR GOOD AND VALU

ASSIGNMENT OF PATENT APPLICATION

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1We covenant with said Assignee, its successors, assigns and legal representatives, that the rights and property
2herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein
3expressed.

I/We hereunto sign our names below at Los Altos Hills, CA
(city) (state)

on this 18 day of June, 2001
(day) (month) (year)

Steven R. Kleiman

David Hitz

Guy Harris

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

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ASSIGNMENT OF PATENT APPLICATION

Attorney Docket No. 103.1068.01

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I/We hereunto sign our names below at

SURLINGAMP
(city)

CA
(state)

on this 26th day of JUNE, 2001
(day) (month) (year)

Steven R. Kleiman

David Hitz

Guy Harris

Sean W. O'Malley

Michael Malcolm

James Lau

Byron Rakitzis

